

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-513-MOC-DCK

WORLEY OF MICHIGAN, INC.,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
GESS RNG BIOGAS USA, LLC, pro se,)	
)	
Defendant.)	

THIS MATTER is before the Court on Plaintiff’s Application to Confirm Arbitration Award. (Doc. No. 1). Plaintiff seeks confirmation of an arbitrator’s Final Award in Worley’s favor against GESS RNG Biogas USA LLC (“GESS” or “Respondent”) and for entry of judgment in conformity with the award pursuant to the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 9 and 13.

On or about August 15, 2023, a summons was issued electronically (Doc. No. 2), in which this Court advised Defendant that it had 21 days from service of the pleading and the Summons to answer or otherwise respond. Pro se Defendant filed an Answer on October 24, 2023, in which Defendant requests oral argument and an opportunity for mediation. (Doc. No. 4). Defendant, however, has not moved to vacate, modify, or correct the Final Award and the time to do so has expired.¹

¹ Pursuant to 9 U.S.C. § 12, Defendant’s time to seek to vacate, modify, or correct the Final Award expired on May 15, 2023, three months after the Final Award was issued. 9 U.S.C. § 12 (“Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered.”).

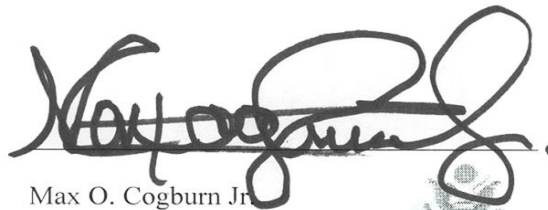
The Final Award represents a complete and final determination of all claims submitted to the Arbitrator pursuant to a binding agreement to arbitrate. Confirmation of a final award that has not been vacated, modified, or corrected is a summary proceeding. Sverdrup Corp. v. WHC Constructors, Inc., 989 F.2d 148, 150 (4th Cir. 1993) (“Section 9 of the Federal Arbitration Act provides a mechanism for summary confirmation of arbitration awards”); Taylor v. Nelson, 788 F.2d 220, 225 (4th Cir. 1986) (holding that a confirmation proceeding is intended to be summary). Here, the award issued by the arbitrator was agreed to by both parties and has not been vacated, modified, or corrected. The Court will, therefore, confirm the uncontested award.

ORDER

IT IS, THEREFORE, ORDERED that this Court therefore confirms the Final Award and enters Judgment in Worley of Michigan Inc.’s favor against GESS RNG Biogas LLC, in the amount of \$182,564.14 plus costs of this action and post-judgment interest at 1.5% per month or 18% per annum pursuant to Texas Finance Code § 304.002 from February 14, 2023, until paid.

The Clerk of Court is instructed to enter a Judgment consistent with this Order.

Signed: January 17, 2024



Max O. Cogburn Jr.
United States District Judge